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REMARKS

This Amendment is responsive to the Office Action dated December 15, 2004. In that Action, the Examiner rejected claims 9, 10 and 14-17 under 35 U.S.C. §112, second paragraph. Claims 1-9, 11-13 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Calvert '383 ("Calvert"). Claim 11 was also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Calvert. Claims 14-20 were rejected under 35 U.S.C. §101 as allegedly constituting double patent and claims 1-13 were rejected as allegedly constituting obviousness-type double patenting. Applicant respectfully traverses the Examiner's objections and rejections and offers the foregoing amendments and following remarks in support thereof.

Claims 7 and 14-20 have been cancelled without prejudice. Claims 1, 2, 4, 6 and 8-13 have been amended. Claims 21-27 have been added. No new matter has been inserted. Claims 1-6, 8-13 and 21-27 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Applicant has amended the claims to overcome the Examiner's Section 112 rejection. A Terminal Disclaimer is included herewith. Applicant respectfully submits that the Terminal Disclaimer and claim amendments overcome the all double patenting rejections

Claims 1-9 and 11-13 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Calvert. Claim 11 was also rejected under 35 U.S.C. §103 as allegedly being unpatentable over Calvert. Independent claim 1 has been amended to specifically claim an externally accessible opening for positioning the capsule. Calvert fails to teach this feature of the claimed invention. Calvert requires the user to remove the front body portion 45 from the rear body portion 46 of the inhaler in order to allow insertion of the capsule. Then the

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two body portions 45 and 46 are fastened together again (See Col. 8, lines 1-11 of the Calvert Reference).

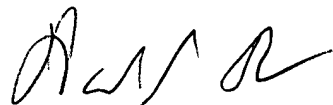
Furthermore, it is also respectfully believed from the Office Action that the Examiner may be combining together different embodiments disclosed in the Calvert reference for the Section 102 rejection. Applicant respectfully submits that this practice is improper for a Section 102 rejection.

In view of the above, Applicant respectfully traverses the Examiner's rejection of claims 1-9 and 11-13 under Section 102(b) as allegedly being anticipated by Calvert and Claim 11 under Section 103(a) as allegedly being unpatentable over Calvert.

Reconsideration of the rejections is respectfully requested. Allowance of the claims at an early date is respectfully requested. Applicant has completely responded to the Office Action dated December 15, 2005.

If there are any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,



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